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OFFICE OF PETITIONS

Applicant: Thiers et al.
Appl. No.: 10/537,539
International Filing Date: December 18, 2003
Title: FLOOR PANEL, ITS LAYING AND MANUFACTURING METHODS
Attorney Docket No.: THIE3020/JEK
Pub. No.: US 2006/0032168 A1
Pub. Date: February 16, 2006

This is a decision on the paper requesting a corrected publication under 37 CFR 1.221(b) received on May 3, 2006, for the above-identified application

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error on the front page of the publication as the second inventor's name "Lode Hubert Lieven De Boe" is misspelled as "Lode Hubert Lieven Moorsledge."

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

The request for corrected publication received on May 3, 2006, was not timely filed under 37 CFR 1.221(b).

The error noted by requestor wherein the inventor's name "Lode Hubert Lieven De Boe" is misspelled as "Lode Hubert Lieven Moorsledge" is an Office error but the mistake is not a material error under 37 CFR 1.221(b). The mistake is a typographical, which does not affect the understanding of the application. The mistake does not affect the public's ability to appreciate

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
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By facsimile: 571-273-8300

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709 (voice).

A handwritten signature in black ink, appearing to read "Mark Polutta", with a long horizontal flourish extending to the right.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy